

**STATE OF TEXAS
COUNTY OF DENTON
TOWN OF HICKORY CREEK**

The town council of the Town of Hickory Creek, Texas convened in a regular session on January 17, 2017 at 6:30 p.m. in the council chambers, located at 1075 Ronald Reagan Avenue. Notice of the meeting was posted as required by Title 5, Chapter 551 of the Texas Government Code. The following members were present and constituted a quorum of members:

Lynn Clark, Mayor
Tracee Elrod, Councilmember Place 1
Richard DuPree, Councilmember Place 2
Chris Gordon, Councilmember Place 3
Paul Kenney, Mayor Pro Tem
Ian Theodore, Councilmember Place 5

Also in attendance were:

John M. Smith, Jr., Town Administrator
Kristi K. Rogers, Town Secretary
Carey Dunn, Chief of Police
Lance Vanzant, Town Attorney

Mayor Clark called the meeting to order at 6:30 p.m.

Mayor Clark gave the invocation after requesting a moment of silence be observed for the Little Elm Police Officer shot in the line of duty.

Mayor Clark led the Pledge of Allegiance to the U.S. and Texas Flags.

Presentation of Awards

Mayor Clark presented Karen Danks a certificate of appreciation for her volunteer service with the Hickory Creek Animal Shelter.

Mayor Clark presented plaques of appreciation to Jonah Covich and Michael Gibbons for completion of Eagle Scout projects in Hickory Creek.

Items of Community Interest

The Texas Oklahoma Patriot Shootout (T.O.P.S.) fishing tournament will be held April 28, 2017 and April 29, 2017.

Public Comment

Mary Beth Harris, 1500 Turbeville Road, represents Hickory Creek Development Partners, as a commercial development associate of Mr. Ron Furtick. 2017 is a critical year for the economic development of the town. A design has been created for a downtown area in Hickory Creek which is a Texas wrap design and includes two parking decks in the center of two major building structures with a second story deck park with a pool over a large retail footprint.

Hickory Creek Development partners propose this design has the potential to provide approximately three times the sales tax revenue the town receives from Walmart. Unless the town council approves an amendment to the zoning ordinance and partakes in entitlement negotiations by October 1, 2017 the Hickory Creek Development partners will proceed with an alternate scenario which does not contain retail space or provide any sales tax revenue.

Item B - Public Hearing

No public hearing.

Item C – Consent Agenda Items

1. December 2016 Council Meeting Minutes
2. December 2016 Financial Statements

Motion: made by Councilmember Elrod to approve consent agenda Items C1 and C2 as presented. Motion seconded by Councilmember Theodore.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

Item D – Regular Agenda Items

D (1) - Presentation of the 2015-2016 Fiscal Year Audit from Carl Deaton of Hankins, Eastup, Deaton, Tonn & Seay.

Carl Deaton of Hankins, Eastup, Deaton, Tonn & Seay presented the audited financial statements for the fiscal year ending September 30, 2016. The assets and deferred outflows of resources of the Town of Hickory Creek exceeded its liabilities at September 30, 2016 by \$10,912,234. Of this amount \$2,246,822 may be used to meet the government's ongoing obligations to citizens and creditors. The town's total net position increased by \$3,128,990. As of September 30, 2016 the Town of Hickory Creek's governmental funds reported combined ending fund balance of \$6,783,667, a decrease of \$862,618 in comparison with the beginning of the period. Approximately 39 percent of this total amount, \$2,665,732 is available for spending at the government's discretion. At the end of the current period, unassigned fund balance for the general fund was \$2,665,732 or 75.7 percent of total general fund expenditures. The audit is required to include the activity of the Economic Development Corporation. The EDC fund balance increased by \$296,724 bringing the total fund balance to \$1,303,007.

MOTION PASSED UNANIMOUSLY

D (2) - Presentation from the Tabani Group regarding development of certain real property legally described as A1220A H.H. Swisher, TR 50, 5.0 Acres, Old DCAD TR #9 and A1220A H.H. Swisher, TR 50A (1) (PT), 33.8629 Acres located (South of Swisher Road, West of Ronald Reagan Avenue, North of Turbeville Road and East of Parkridge Road.)

Matthew Hooker, representing the Tabani Group, provided an overview to council of Champ d'Or and the property surrounding the estate. The Tabani Group envisions the venue to be utilized for luxurious events and corporate retreats. London O'Dowd, attorney representing the Tabani Group, discussed an amendment to the developers' agreement to enable the property to be developed with limited annexation. Zaffar Tabani, Tabani Group CEO and President, provided remarks and answered questions from the town council.

D (3) - Presentation regarding the Lake Cities Fire Department from Deputy Chief Michael Ross.

Deputy Chief Michael Ross, provided an overview to council regarding the activities of the fire department for 2016 including incident types, training, community involvement and call statistics.

D (4) - Consider and act on purchasing Tasers for the police department.

Motion: made by Councilmember Theodore to purchase ten Tasers in an amount not to exceed \$14,420.00. Motion seconded by Councilmember DuPree

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon and Councilmember Theodore.

Nays: Councilmember Kenney

MOTION PASSED

D (5) - Consider and act on an agreement for professional engineering services for a Thoroughfare Plan Update with Halff Associates, Inc.

Motion: made by Councilmember Elrod to approve an agreement for professional engineering services for a Thoroughfare Plan Update with Halff Associates, Inc. in amount not to exceed \$18,000.00. Motion seconded by Councilmember Gordon.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

D (6) - Consider and act on an agreement for professional engineering services for Turbeville Road and Point Vista Road with Halff Associates, Inc.

Motion: made by Councilmember Gordon to approve an agreement for professional engineering services for Turbeville Road and Point Vista Road with Halff Associates, Inc. in amount not to exceed \$121,270.00. Motion seconded by Councilmember Elrod.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

D (7) - Consider and act on authorizing the town administrator to negotiate necessary agreements regarding the development of certain real property legally described as A1220A H.H. Swisher, TR 40, 24.732 Acres, (located South of Swisher Road, West of Ronald Reagan Avenue, North of Turbeville Road and East of Parkridge Road.)

No action taken.

D (8) - Consider and act on appointments to the Economic Development Corporation.

Motion: made by Councilmember Kenney to reappoint Lynn Clark to Place 4 and Craig Oglesby to Place 6 on the Economic Development Board. Motion seconded by Councilmember Elrod.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

D (9) - Discussion regarding current road and sidewalk projects.

John Smith, town administrator, provided an overview to council regarding current road and sidewalk projects.

Item E - Executive Session: The Town Council convened into executive session at 9:06 p.m. pursuant to Chapter 551 of the Texas Government Code Section 551.071, Consultation with City Attorney and other legal counsel on matters in which the duty of the attorney(s) to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, or on matters pertaining to pending or contemplated litigation; Section 551.072, Deliberation regarding real property to deliberate the purchase, exchanges, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party; Section 551.074 Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, dismissal, duties, and discipline of a public officer or employee and to take any action; Section 551.087, Deliberation regarding economic development negotiations to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

1. Review of individual employees' performance.
2. Discussion regarding certain real property legally described as A1163A J.W. Simmons, TR 37, 19.795 Acres located (South of Swisher Road, East of Ronald Reagan Avenue, North of Turbeville Road and West of Point Vista Road.)
3. Discussion regarding economic development negotiations for a development of certain real property legally described as A1220A H.H. Swisher, TR 50, 5.0 acres, Old DCAD TR #9 and A1220A H.H. Swisher, TR 50A (1) (PT), 33.8629 acres located (South of Swisher Road, West of Ronald Reagan Avenue, North of Turbeville Road and East of Parkridge Road.)

4. Discussion regarding property located in the J. Maloney Survey, Abstract 819 and the J.W. Hicks Survey, Abstract No. 567.

Item F - Reconvene into Open Session: The Town Council reconvened into open session at 10:28 p.m.

No action taken.

Item G – Adjournment

Motion: made by Councilmember Kenney to adjourn the meeting. Motion seconded by Councilmember Elrod.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Theodore.

Nays: None

MOTION PASSED UNANIMOUSLY

The meeting did then stand adjourned at 10:29 p.m.

Approved:

Attest:

Lynn C. Clark, Mayor
Town of Hickory Creek

Kristi K. Rogers, Town Secretary
Town of Hickory Creek